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July 11, 2018

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**BY ECF**

The Honorable Joseph F. Bianco  
U.S. District Court for the Eastern District of New York  
100 Federal Plaza  
Central Islip, New York 11722

**Re: United States of America v. Kenner, Cr. No. 13-607 (JFB)**

Dear Judge Bianco:

As you know, this firm represents Danske Bank A/S, London Branch ("Danske") in connection with the forfeiture proceeding in this case. Danske has a senior secured lien and other legal interests in or relating to Diamante Cabo San Lucas Resort (the "Diamante Resort"). We respectfully submit this letter jointly with counsel for Diamante Cabo San Lucas, LLC, Diamante Cabo San Lucas S. de R.L. de C.V., KAJ Holdings, LLC, Diamante Properties, LLC, and Kenneth A. Jowdy ("DCSL"). We write regarding Defendant Phillip Kenner's request for production of the appraisal report commissioned by the government and prepared by Cushman Wakefield for the Diamante Resort, The Village San Marcos, as of April 28, 2017 (the "Appraisal Report"), raised during the status conference held before this Court on July 3, 2018.

During the July 3, 2018 status conference, we understand that Mr. Kenner requested, and the Court approved, production of the Appraisal Report to Mr. Kenner. Because Danske and DCSL only recently learned of Mr. Kenner's request, Danske and DCSL request that production of the Appraisal Report be deferred, and that we have until July 20, 2018 to evaluate and consider options to protect any proprietary and confidential information contained within the Appraisal Report. We have spoken with Assistant United States Attorney Diane C. Leonardo and the government consents to Danske and DCSL's request to defer production and for time to evaluate the Appraisal Report.

We thank the Court for considering this matter.

VENABLE<sub>LLP</sub>

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Respectfully,



Doreen S. Martin

cc: All parties of record via ECF  
Thomas McC. Souther, Esq. and Kevin P. Mulry, Esq. (by email)

*Request granted.*

**SO ORDERED**

*Joseph Bianco*

Joseph F. Bianco

USDJ

Date July 11 20 18

Central Islip, N.Y.